

EXHIBIT 2



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Transcript of Jason Roberts, Designated Representative

Date: August 5, 2022

Case: Timbers -v- Telligent Masonry, LLC, et al.

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| <p>17</p> <p>1 Q Okay. Can you describe for me basically 2 what the disciplinary process entails? And I 3 apologize, I don't have that document, I have not 4 been able to review it, so I'm going to ask you 5 questions about it.</p> <p>6 A Sure. No worries. Can you re-ask the 7 question?</p> <p>8 Q Sure. I'm curious what Telligent's 9 disciplinary policy consist of in the employee 10 handbook?</p> <p>11 A Sure. We have an area of discipline that 12 would be involved in disputes on the job site. 13 You could be disciplined for arguing, 14 insubordination, fighting, threats, drug use, 15 alcohol use, and the like.</p> <p>16 Q Okay. How about poor work performance?</p> <p>17 A Absolutely.</p> <p>18 Q Okay. Let's assume -- I'm just going to 19 ask some hypotheticals to kind of understand more 20 about the policy. Let's assume an employee is 21 arguing on the job site or has poor work 22 performance or has an alcohol violation, any of</p> | <p>19</p> <p>1 A I understand. And I don't believe that 2 there was a discussion or reference to how often 3 or how many times and even to some extent today it 4 may not be documented, it still may be a verbal 5 warning that could go on. So either whether there 6 was a policy in place then or now, the way that 7 it's discussed is still pretty much the same. I 8 would like to see more documentation.</p> <p>9 Q Sure. Sir, do you recall when you came on 10 in March of 2021 whether the disciplinary portion 11 of the employee handbook was one that you provided 12 edits to or made changes to?</p> <p>13 A I apologize, one more time. Can you ask 14 that one more time?</p> <p>15 Q Sure. We've been talking briefly about 16 kind of the disciplinary process that exists in 17 the employee handbook. My question is when you 18 first began testifying this morning, you told me 19 about some changes you made to the existing 20 handbook when you came on in March of 2021. I'm 21 trying to figure out whether the disciplinary 22 section was one you made changes to?</p> |
| <p>18</p> <p>1 the things you just referenced, what would be the 2 first step in the disciplinary policy?</p> <p>3 A It would be a verbal warning. That may be 4 documented or it may not be documented.</p> <p>5 Q Okay. And then second instance?</p> <p>6 A Typical second instance would be a written 7 warning.</p> <p>8 Q Okay.</p> <p>9 A And then if there were a third, we would 10 discuss that as far as the additional discipline 11 to include termination.</p> <p>12 Q Okay. But the key is to document these 13 instances?</p> <p>14 A Today the key is to document those cases.</p> <p>15 Q Okay. And when you say today, was that 16 not part of -- obviously I'm going to transition 17 out of when Mr. Timbers was employed there?</p> <p>18 A Sure.</p> <p>19 Q Was this policy in effect at the time that 20 Mr. Timbers was employed? Specifically, I'm 21 focusing on the August 2020 to September 2020 time 22 frame.</p> | <p>20</p> <p>1 A I don't believe I made any significant 2 edits to that. I did add the -- every policy has 3 language in it that discusses potential 4 disciplinary action.</p> <p>5 Q Okay. So is it safe for me to assume that 6 this kind of disciplinary process that you 7 described to me involving a first verbal warning 8 and then a written warning, as more instances 9 happen kind of more of a written communication, 10 did that exist in August and September of 2020?</p> <p>11 A It did.</p> <p>12 Q Okay. So Mr. Timbers, I haven't seen any 13 prior disciplinary write ups for him for really 14 any issue prior to his termination in September of 15 2023 [sic]; is that correct?</p> <p>16 A Yes.</p> <p>17 Q So there's has been testimony, as you 18 know, you've been in depositions with us, where 19 there have been allegations of poor work 20 performance --</p> <p>21 A Sure.</p> <p>22 Q -- threats on the job, violence, I think</p> |

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| <p>21</p> <p>1 there was an alcohol insinuation at one point in 2 time with Mr. Timbers. Was it Telligent's policy 3 that all of these things should have been 4 documented? 5 A It's not uncommon to not document. It's 6 not uncommon to in a moment because the 7 bricklayers and the foreman are tasked with 8 productivity and completion to move forward to 9 resolve a situation and have a verbal warning with 10 somebody and continue working without documenting 11 that. 12 Q Sure. But if the person continues to make 13 errors or continues to pose a threat on the job to 14 other employees, would it not be Telligent's 15 policy that those be codified in writing in some 16 way? 17 A It would definitely be something that we 18 would want to see in writing, but again, in the 19 moment, it may not be. 20 Q Would you consider it a violation of the 21 policy to not document the threat of violence in a 22 written warning?</p> | <p>23</p> <p>1 terminated from Telligent prior to the 2 September 23rd termination? 3 A I don't have any documentation or 4 information as to why he left the job site or was 5 terminated from the job site the two prior times. 6 Q Okay. We've talked a little bit about the 7 disciplinary policy in the handbook. Is there a 8 policy regarding termination from employment? And 9 what I'm interested in is what the company would 10 do in documenting a termination, things like that. 11 A There is a policy. 12 Q What is the what I'll call the termination 13 policy? 14 A To document when an individual has broken 15 the rules, if I will. And it's a significant 16 issue at the time or a significant issue over time 17 to document and terminate. 18 Q So for example then, when Mr. Timbers was 19 terminated in September of '23 [sic], there was a 20 coordination with management regarding his 21 termination, there was documentation that was 22 generated?</p> |
| <p>22</p> <p>1 A It is not a violation if you do not 2 document. 3 Q Okay. An alcohol related allegation, 4 would it be a violation of the disciplinary policy 5 for a supervisor to not document that? 6 A It would not be a violation. 7 Q And I'm guessing your answer would be the 8 same for poor work performance? 9 A Correct. 10 Q So your goal -- is it fair to assume that 11 your goal is trying to get towards a place where 12 more of the foreman and supervisors are 13 documenting, but as the policy currently exists, 14 it would not be a violation to not document it? 15 A That's correct. 16 Q Let's talk a little bit about Mr. Timbers' 17 -- his employment with Telligent. There were 18 instances where he's left the job and then came 19 back to the job. There were quite a few and 20 they've been kind of documented in some of the 21 pleadings in this case, but do you have an 22 understanding of whether Mr. Timbers was</p> | <p>24</p> <p>1 A Correct. 2 Q A letter was sent to him. Those are all 3 things that would conform with that policy? 4 A Correct. 5 Q Okay. So to your knowledge, was there any 6 documentation that existed prior to September 23 7 regarding Mr. Timbers, any prior separation he had 8 from the company? 9 A Not that I'm aware of. 10 Q So is it fair to assume that he was not 11 terminated from the company prior to that time? 12 MR. DeGENNARO: Objection; 13 mischaracterizes his testimony. 14 You can answer. 15 A I don't recall reading something, but if 16 it was in any of the documentation we submitted, 17 then it would be available. 18 Q Okay. I don't recall seeing any prior 19 documentation. Would you consider it a violation 20 of the Telligent employee termination policy to 21 not document a prior termination? 22 A No, it wouldn't be against policy to not</p> |

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| <p>29</p> <p>1 information that we had.</p> <p>2 Q Okay. And the reason I'm asking is</p> <p>3 there's an email I can show you, I discussed it in</p> <p>4 some of these other depositions, I believe it was</p> <p>5 from Ms. Taylor, indicating that Mr. Pappas</p> <p>6 indicated it was a false claim. So I'm trying to</p> <p>7 determine why he may have thought it was a false</p> <p>8 claim.</p> <p>9 A It could very well have been from the</p> <p>10 situation that came up, because if I'm not</p> <p>11 mistaken, if I may elaborate, that was a secured</p> <p>12 site so there was a one-way access for field</p> <p>13 employees and they have to go through a gated</p> <p>14 guard to gain access. And as I understand it,</p> <p>15 there was no record of him reentering the site</p> <p>16 after it was closed.</p> <p>17 Q Okay.</p> <p>18 A So therefore if there's no record of it,</p> <p>19 how could it have happened?</p> <p>20 Q Understood.</p> <p>21 A And I think that's what he was probably</p> <p>22 referring to.</p> | <p>31</p> <p>1 Q What about Faraday?</p> <p>2 A I believe both were being engaged there,</p> <p>3 both types of work.</p> <p>4 Q Okay. They were large commercial</p> <p>5 projects?</p> <p>6 A Yes.</p> <p>7 Q Approximately if you can guess, how many</p> <p>8 masons were working there? Hundreds?</p> <p>9 A A large number. Not as large on the</p> <p>10 Faraday site as the Prince William site.</p> <p>11 Q The Prince William site was larger?</p> <p>12 A Much bigger.</p> <p>13 Q Mr. Timbers makes an allegation in his</p> <p>14 complaint and some of the pleadings that he was</p> <p>15 told work was being halted on the Faraday site</p> <p>16 basically on I think August 21st of 2020 and he,</p> <p>17 his brother Albert Timbers, and several other</p> <p>18 Hispanic masons were sent to the Prince William</p> <p>19 site.</p> <p>20 A Okay.</p> <p>21 Q Is that true?</p> <p>22 A I believe so.</p> |
| <p>30</p> <p>1 Q Understood. But as far as you know</p> <p>2 there's no record at Telligent that Mr. Timbers</p> <p>3 had made a false workers' compensation claim?</p> <p>4 A I'm sorry?</p> <p>5 Q Is there any type of documentation in his</p> <p>6 file that would suggest that he made a false</p> <p>7 workers' compensation claim?</p> <p>8 A I don't believe so.</p> <p>9 Q Okay. Let's switch gears, we're going to</p> <p>10 talk a little bit about some of the work that was</p> <p>11 being performed on the Faraday job and the Prince</p> <p>12 William job.</p> <p>13 A Okay.</p> <p>14 Q My understanding was, and I believe</p> <p>15 Mr. Valladares talked about this a little bit,</p> <p>16 they were doing a block wall at the Prince William</p> <p>17 location during that time, foundation work, if I</p> <p>18 recall?</p> <p>19 A Okay.</p> <p>20 Q What was your understanding of the work</p> <p>21 that was being performed there at the time?</p> <p>22 A It was the same.</p> | <p>32</p> <p>1 Q Okay. Do you have any idea why work was</p> <p>2 being halted at the Faraday location?</p> <p>3 A There was an issue on that site, and it</p> <p>4 was closed until the issue was resolved.</p> <p>5 Q Do you recall what the issue was?</p> <p>6 A I do not.</p> <p>7 Q Was it a construction issue?</p> <p>8 A Yes, it was.</p> <p>9 Q So the masonry work was halted for a</p> <p>10 period?</p> <p>11 A Yes. And that happens from time to time.</p> <p>12 Q So were all the masons sent to the Prince</p> <p>13 William site at that point in time?</p> <p>14 A I believe they were.</p> <p>15 Q We'll kind of jump into -- these were</p> <p>16 exhibits in -- I'll have this marked as two and</p> <p>17 this one three. I used the same exhibits in</p> <p>18 Mr. Valladares's deposition. So they're payroll</p> <p>19 records.</p> <p>20 (ROBERTS Deposition Exhibits 2 and 3</p> <p>21 marked for identification and attached to the</p> <p>22 transcript.)</p> |